THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO.13682 OF 2007

Dated: 02.07.2007

Between:

1. The Government of Andhra Pradesh,
   rep., by its secretary, Department of School
   Education, Secretariat, Hyderabad and others.

..Petitioners

And

V. Sasikala

.. Respondent.

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.13682 OF 2007

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioners challenging the order, dated 21.10.2005 passed by the A.P. Administrative Tribunal in O.A.No.3093 of 2004.

The respondent herein is the applicant before the Tribunal.

Originally, the respondent-applicant filed the above O.A., seeking to declare the proceedings dated 24.9.2001 issued by the 1st petitioner herein confirming the orders of the 3rd and 4th petitioners herein, dated 27.7.2000 and 21.1.1999 respectively as illegal and arbitrary and to direct the petitioners-authorities to provide employment to her under compassionate grounds on the ground that she is the widowed daughter of the deceased employee.

The Tribunal having observed that the Government itself had made a provision for appointment of widowed daughters, who are dependants on the earning of the deceased employee and restriction of the same only to the legal heirs of the deceased employee is unreasonable, allowed the O.A., directing the authorities (petitioners herein) to consider and provide a suitable post to the applicant according to her qualifications, on compassionate grounds. Having aggrieved by the same, the authorities filed the present writ petition.

The learned Government Pleader for Services appearing on behalf of the petitioners contends that the respondent-applicant is not the only legal heir of the family and therefore, she is not eligible for compassionate appointment. It is further contended that the husband

of the deceased is a Government Pensioner and he is drawing service pension as well as family pension of the deceased-wife and he is the main person to lead the family as head of the family and thus, the family is having an earning member and therefore, the respondent-applicant is not entitled for compassionate appointment and thereby, the tribunal is not justified in directing them to consider the case of the respondent-applicant for compassionate appointment.

Before going to deal with the present case on hand, it is relevant to put forth the facts of the case on hand.

One A. Sonu Bai, who was Senior Hindu Pandit, Z.P.High School (Girls), Punganur, Chittoor District died on 16.9.1998 leaving behind her four daughters. The applicant is her second daughter and 1st and 3rd daughters are married and they are living separately with their respective spouses. Since 2000, the 4th daughter has been living separately. The applicant lost her husband and she had two daughters. After the death of her husband, the applicant is residing with her parents. The father of the applicant is a retired Government employee. The applicant being a graduate and having knowledge of typewriting and computer science, made an application for compassionate appointment, which was rejected by the 5th petitioner herein. Aggrieved by the same, she preferred an appeal and the same was also rejected. Hence, she was constrained to file the above O.A., in which, the Tribunal directed the authorities to consider her case.

It is an undisputed fact that the applicant is the widowed daughter of the deceased. She along with her two daughters is a dependant one and thereby, she is residing with her parents. In a case of this nature, having utmost regard to the circumstances that would be faced by a widowed daughter, who is dependant, the Government had made a provision for appointment of widowed daughters, who are

dependants on the earning of the deceased employee. In the present case on hand, not only the respondent-applicant, but also her two daughters are dependants on the earning of the deceased employee.

Yet another ground that was raised by the learned Government Pleader is that the legal heirs of the deceased only are entitled for compassionate appointment. When nobody comes forward across the request of the applicant for compassionate appointment, the contention of the petitioners that the applicant is not the only legal heir of the deceased and therefore, her case cannot be considered, holds no water.

In view of the above peculiar facts and circumstances of the case and in view of the death of the head of the bereaved family and in view of the fact that the applicant, who is a widow having two daughters and in the interest of their welfare, we are of the opinion that the tribunal is justified in passing the order impugned herein and as such, it needs no interference by this Court. Therefore, We see no grounds in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 02.07.2007
Nn/gurc

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.13682 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

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Dated: 2.07.2007